

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                           |   |                              |
|---------------------------|---|------------------------------|
| United States of America, | ) |                              |
|                           | ) |                              |
| Plaintiff,                | ) |                              |
| vs.                       | ) | Case No. 05-0132-02-CR-W-FJG |
| Joel Castro-Gaxiola,      | ) |                              |
|                           | ) |                              |
| Defendant.                | ) |                              |

**ORDER**

Pending before the Court is defendant's motion to suppress (Doc. #40), filed June 13, 2005; the government's response (Doc. #57), filed August 1, 2005; defendant's suggestions in support (Doc. #60), filed August 2, 2005; and the government's supplemental suggestions (Doc. #61), filed August 3, 2005.

On August 1, 2005, Chief United States Magistrate John T. Maughmer held an evidentiary hearing on the pending motion to suppress. Thereafter, on August 5, 2005, the Chief Magistrate entered a report and recommendation (Doc. #67) which recommended denying the above-mentioned motion. Defendant's objections to Chief Magistrate Maughmer's report and recommendation were filed on September 2, 2005 (Doc. #69).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress (Doc. #40), filed June 13, 2005, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress (Doc. #40), is denied.

/s/Fernando J. Gaitan, Jr.  
Judge Fernando J. Gaitan, Jr.  
United States District Judge

Dated: September 19, 2005  
Kansas City, Missouri